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**UNITED STATES DISTRICT COURT
 DISTRICT OF ARIZONA**

Mi Familia Vota, et al.,
 Plaintiffs,
 v.
 Adrian Fontes, in his official capacity as
 Arizona Secretary of State, et al.,
 Defendants.

No. CV-22-00509-PHX-SRB (Lead)

**PROMISE ARIZONA AND
 SOUTHWEST VOTER
 REGISTRATION EDUCATION
 PROJECT'S STATEMENT OF FACTS
 IN SUPPORT OF THEIR
 OPPOSITION TO DEFENDANTS
 ATTORNEY GENERAL KRISTEN K.
 MAYES AND STATE OF ARIZONA'S
 MOTION FOR PARTIAL SUMMARY
 JUDGMENT**

No. CV-22-00519-PHX-SRB
 No. CV-22-01003-PHX-SRB
 No. CV-22-01124-PHX-SRB
 No. CV-22-01369-PHX-SRB
 No. CV-22-01381-PHX-SRB
 No. CV-22-01602-PHX-SRB
 No. CV-22-01901-PHX-SRB

AND CONSOLIDATED CASES.

1 Plaintiffs Promise Arizona and Southwest Voter Registration Education Project
 2 submit the following statement of facts in support of their Opposition to Defendants
 3 Attorney General Kristin K. Mayes and State of Arizona’s Motion for Partial Summary
 4 Judgment, as joined by RNC and Legislative Intervenors, as well as controverting
 5 responses to Defendants’ and Intervenor-Defendant RNC’s statement of facts:
 6

7 **Plaintiffs Promise Arizona and Southwest Voter Registration Education**
 8 **Project’s Statement of Facts**

9 **H.B. 2243: A.R.S. § 16-165(I)**

- 10 1. On July 6, 2022, Arizona Governor Doug Ducey signed H.B. 2243 into law. *See*
 11 State of Arizona, House of Representatives, Chapter 370, House Bill 2243, (July 6,
 12 2022), <https://www.azleg.gov/legtext/55leg/2R/laws/0370.pdf>. A copy of the
 13 chaptered version of H.B. 2243 is attached hereto as **Exhibit A.**
 14
- 15 2. H.B. 2243 amends Section 16-165 of the Arizona Revised Statutes (“A.R.S.”) to
 16 include subsection (I) which provides that, to the extent practicable, the county
 17 recorder will compare every month registered persons and whom the recorder “has
 18 reason to believe are not United States (“U.S”) citizens” with the systematic alien
 19 verification for entitlements program (“SAVE program” or “program”) maintained
 20 by United States Citizenship and Immigration Services (“USCIS”) to verify the
 21 U.S. citizenship status of the persons registered. *See* A.R.S. § 16-165, Causes for
 22 cancellation; report, available at <https://www.azleg.gov/ars/16/00165.htm> (last
 23 accessed June 4, 2023). A copy of A.R.S. § 16-165 is attached hereto as **Exhibit B.**
 24
 25 *See also* A.R.S. § 16-165(I).
 26
 27
 28

3. The entirety of H.B. 2243 does not specify what information would give county recorders “reason to believe” that a person is not a United States citizen. *See* Case No. 2:22-CV-01602-SRB, Dkt. 46 (Defendant Arizona Secretary of State Katie Hobbs’ Answer to Promise Arizona and Southwest Voter Registration Education Project’s Complaint) ¶ 71.

H.B. 2243: A.R.S. § 16-165(A)(10)

4. H.B. 2243 further amends Section 16-165 of the Arizona Revised Statutes to add subsection (A)(10), which requires county recorders to begin their voter cancellation processes and investigation referrals once they have “obtain[ed]” information and “confirm[ed]” that a registered voter is not a United States citizen. *See* A.R.S. § 16-165(A)(10).
5. The entirety of H.B. 2243 does not specify what information establishes that a registered voter is “not a United States citizen.” *See* Case No. 2:22-CV-01602, Dkt. 46 (Arizona Secretary of State Katie Hobbs’ Answer) ¶ 66.

The SAVE Program

6. The SAVE program is an online service that allows benefit-granting agencies to verify a benefit applicant’s immigration status. *See* USCIS, SAVE, <https://www.uscis.gov/save>, (last accessed June 4, 2023); *see also* **Exhibit 1** to **Exhibit C**, Declaration of Erika Cervantes.
7. To verify an applicant’s immigration status under the SAVE program, the agency user must have the applicant’s: (1) first name, (2) last name, (3) date of birth, *and* (4) a numeric identifier (such as an Alien Number; Form I-94, Arrival/Departure

Record, number; Student and Exchange Visitor Information System (SEVIS) ID number; or unexpired foreign passport number). *See* USCIS, SAVE Verification Process, Minimum Requirements for Verification, <https://www.uscis.gov/save/about-save/save-verification-process>, (last accessed June 4, 2023); *see also* **Exhibit 2** to Exhibit C.

8. The SAVE program cannot verify an applicant's status by only using their first and last name. *See* Exhibit 2 to Exhibit C.

9. The SAVE verification process can take up to three steps. *See* USCIS, SAVE Verification Process Fact Sheet, (November 2020), <https://www.uscis.gov/sites/default/files/document/fact-sheets/SAVEVerificationProcessFactSheet.pdf>; *See* USCIS, SAVE Verification Process Fact Sheet, <https://www.uscis.gov/save/save-resources/save-verification-process-fact-sheet>, (last accessed June 4, 2023); *see also* **Exhibits 3 & 4** to Exhibit C.

10. In the first step, the agency user must select the benefit the applicant is seeking and provide their numeric identifier; first and last name; and date of birth. *See* Exhibits 3 & 4 to Exhibit C.

11. After their submission, the SAVE program either provides the applicant's status or prompts the agency user to "[i]nstitute additional verification" if the SAVE program needs additional information to process the case. *See* Exhibits 3 & 4 to Exhibit C.

12. In the second step, if the user is asked to “[i]nstitute additional verification” as an initial response, the agency must provide the SAVE program with the information requested. *See* Exhibit 4 to Exhibit C.

13. In the final step, if the SAVE program needs to review a copy of the applicant’s immigration document to issue a verification response, the SAVE program will request a third-level review and the agency user must upload the document to the SAVE program electronically. *See* Exhibits 3 & 4 to Exhibit C.

14. The SAVE program is not a system database. *See* Exhibits 3 & 4 to Exhibit C.

Southwest Voter Registration Education Project

15. Southwest Voter Registration Education Project (“SVREP”) is a non-profit and non-partisan organization committed to empowering Latinos and Latinas through their vote and improving the participation of Latino and other minority communities across the United States in the democratic process, through voter registration, voter education and voter participation activities. *See* Declaration of Lydia Camarillo, attached hereto as **Exhibit D.**

16. SVREP is concerned that H.B. 2243, if implemented, will purge Latino and minority voters from Arizona’s voter rolls, thus undoing the work SVREP has done in relation to the organization’s voter registration efforts in Arizona. *See* Exhibit D.

17. If implemented, H.B. 2243 will force SVREP to divert the little time, money, and resources it has to: (1) setting community meetings and educating the public, community organizers, press, and elected officials of H.B. 2243 and its harms, (2) organizing educational campaigns to consistently inform the public via text and

1 email about H.B. 2243 and that its restrictions should not deter United States
2 citizens from voting, (3) preparing English and Spanish educational materials about
3 H.B. 2243, (4) training SVREP staff on H.B. 2243, (5) helping re-register those
4 who were purged under H.B. 2243, and (6) demanding that the Arizona Secretary
5 of State and county officials reinstate the registrations of voters who are purged
6 under H.B. 2243. *See* Exhibit D.
7

8
9 18. In addition, H.B. 2243 would likely cause SVREP to hire additional staff members
10 to help inform and educate the public of the requirements, restrictions, and harms of
11 H.B. 2243. *See* Exhibit D.

12 **Promise Arizona**

13
14 19. Plaintiff Promise Arizona (“PAZ”) is a non-profit that believes in promoting
15 diversity, opportunity, and progress. *See* Declaration of Petra Falcon, attached
16 hereto as **Exhibit E.**

17
18 20. PAZ is committed to developing new community leaders, registering new voters,
19 providing legal services to community members who want to achieve citizenship
20 status, and teaching those who want to strengthen their English speaking skills. *See*
21 Exhibit E.

22
23 21. PAZ aims to improve the participation of Latino and other minority communities
24 across the State of Arizona in the democratic process. *See* Exhibit E.

25
26 22. PAZ intends to continue its efforts to register and engage the Latino electorate. *See*
Exhibit E.

27
28 23. PAZ is concerned that H.B. 2243, if implemented, will purge Latino and minority

1 voters from Arizona's voter rolls, thus undoing the work PAZ has done in relation
 2 to the organization's voter registration efforts in Arizona. *See* Exhibit E.

3
 4 24. If implemented, H.B. 2243 will force PAZ to divert its time, money, and resources
 5 to: (1) creating educational campaigns to inform the public of H.B. 2243 and why
 6 the law injures the right to vote, (2) preparing English and Spanish educational
 7 materials about H.B. 2243, (3) hiring staff members to help educate the public
 8 about H.B. 2243, (4) training staff members of the requirements, restrictions, and
 9 harms of H.B. 2243, and (5) helping re-register those who were purged under H.B.
 10 2243. *See* Exhibit E.

11
 12 **Controverting Responses to Defendants State of Arizona, Attorney General Kris**
 13 **Mayes, Intervenor-Defendant Republican National Committee's Statement of Facts**

14
 15 Plaintiffs Promise Arizona and Southwest Voter Registration Education Project
 16 incorporate by reference the non-U.S. Plaintiffs' controverting statement of facts in
 17 support of non-U.S. Plaintiffs' opposition to Defendants Attorney General Kris Mayes and
 18 State of Arizona's motion for summary judgment and Intervenor-Defendant RNC's
 19 motion for partial summary judgment.
 20

21
 22 Dated: June 5th, 2023

Respectfully submitted,

23
 24 By: /s/ Erika Cervantes

Erika Cervantes*

Ernest Herrera*

25 MEXICAN AMERICAN LEGAL
 26 DEFENSE AND EDUCATIONAL
 27 FUND

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CERTIFICATE OF SERVICE

On this 5th day of June, 2023, I caused the foregoing to be filed and served electronically via the Court's CM/ECF system upon counsel of record.

/s/ Erika Cervantes
Erika Cervantes